

policy holders, with no limit on payment of death, sick and accident claims, and such other claims for which such insurance companies may be liable, except the payment of dividends; and providing penalties for violation of this Act; and providing that this Act shall not fail on account of the invalidity of any section thereof; and declaring an emergency.

Committee Amendment No. 2.

Amend Senate Bill No. 421 by striking out all below the enacting clause and insert in lieu thereof the following:

Section 1. The Board of Insurance Commissioners of the State of Texas with the approval of the Governor of the State from and after the passage of this Act are specifically authorized and empowered to promulgate such rules, regulations, and orders as they may deem necessary to regulate and stabilize payment of premiums to insurance companies and payment of policy reserve loans and withdrawals of cash surrender values, due and payable to policyholders with no limit on payment of death, sick and accident claims, and such other claims for which such insurance companies may be liable, except the payment of dividends. And providing, further that the Board of Insurance Commissioners with the approval of the Governor of Texas shall have power and authority to cancel the permit to do business in this State of any insurance company violating or refusing to comply with any rule, regulation or order promulgated in pursuance of the authority granted under this Act.

Sec. 2. If any section, provision, sentence, clause or phrase of this Act shall be declared unconstitutional or invalid for any reason, it shall not affect any other provision or portion of this Act and the same shall remain in full force and effect.

Sec. 3. The fact that the Board of Insurance Commissioners is not now expressly authorized to exercise authority and prescribe rules and regulations in conformity with sound business policies regarding insurance companies doing business in this State creates an emergency and an imperative public necessity authorizing the suspension of the constitutional rule requiring bills to be

read on three several days in each House and that this bill take effect and be in force from and after its passage, and it is so enacted.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
March 6, 1933.

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by Lieutenant Governor Edgar E. Witt.

The roll was called, a quorum being present, the following Senators answering to their names:

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	

Absent—Excused.

Neal.	Sanderford.
Redditt.	Woodward.

Prayer by the Chaplain.

Pending the reading of the Journal of yesterday, the same was dispensed with on motion of Senator Hornsby.

Committee Reports.

(See Appendix.)

Bills and Resolutions.

By unanimous consent the rule relating to the introduction of bills after the first 52 days of the session was suspended and consent was granted to introduce the following bills and resolutions:

By Senator Fellbaum:

S. J. R. No. 23, Proposing an amendment to Section 30 of Article XVI of the Constitution of the State of Texas, so as to fix the duration of all offices not otherwise fixed by the Constitution to four years, providing that the Railroad Commission shall be composed of three members, who shall be elected as now provided,

by the people, and fixing their term of office, which shall be six years and that one Railroad Commissioner shall be elected every two years and in case of vacancy in said office, that the Governor fill the same by appointment until the next general election; and providing that this amendment shall not apply to nor affect provisions of Section 30 of Article XVI; providing for election on such proposed constitutional amendment and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senator Fellbaum:

S. J. R. No. 24, Proposing an amendment to Sections 14 and 16 of Article VIII of the Constitution of the State of Texas so as to fix the term of office as of assessor and collector of taxes at four (4) years, providing that said officer shall not be eligible to succeed himself, providing for election on such proposed constitutional amendment and making an appropriation therefor.

Read and referred to Committee on Constitutional Amendments.

By Senators Woodul and Stone:

S. B. No. 422, A bill to be entitled "An Act suspending the operation and/or enforcement of Article 536, 537 and 538 of the Penal Code of Texas of 1925 during the period or periods of time when the State Banking Commissioner, with the consent and approval of the Governor of Texas, shall, under the authority of Senate Bill No. 416, enacted by the Legislature of Texas on March 4, 1933, and signed by the Governor of Texas on the same day, promulgate and put into effect a financial moratorium for and/or invoke a uniform limitation withdrawal of deposits from the banks and trust companies of Texas, State and National; and declaring an emergency."

Read and referred to Committee on Banks and Banking.

By Senators Beck, Moore, Purl, and DeBerry.

S. B. No. 423, A bill to be entitled "An Act relating to claim against the State of Texas arising by reason of mileage purported to have been traveled by fee officers and/or other persons traveling on State expense; designating official mileage chart; and declaring an emergency."

Read and referred to Committee on Finance.

By Senator Purl:

S. B. No. 424, A bill to be entitled "An Act suspending the operation of Article 4736 of the Revised Civil Statutes of Texas, 1925, as amended by action of the Forty-second Legislature, 1931, page 135, Chapter 91, and as further amended by action of the Forty-second Legislature, 1931, page 328, chapter 195, relating to payments to designated beneficiaries; and declaring an emergency."

Read and referred to Committee on Insurance.

Senators Excused.

On motion of Senator Blackert, Senator Sanderford was excused for the day on account of important business.

On motion of Senator Woodul, Senator Woodward was excused for the day on account of important business.

On motion of Senator Cousins, Senator Redditt was excused for the day on account of important business.

Message From the House.

Hall of the House of Representatives,
Austin, Texas, March 6, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following bill:

S. B. No. 250, A bill to be entitled "An Act amending Article 2789 of the Revised Civil Statutes of Texas, 1925, authorizing the issuance of refunding bonds to refund bonds and matured interest coupons of common school districts, independent school districts, consolidated common school districts, consolidated independent school districts, county line school districts, consolidated county line school districts, and rural high school districts; and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Bill Signed.

The Chair, President Pro Tem. Walter Woodul, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 250.

Senate Bill No. 195.

The Chair laid before the Senate as special order the following bill:

By Senator Greer:

S. B. No. 195, A bill to be entitled "An Act to apportion the State of Texas into congressional districts, naming the counties composing the same and providing for the election of a member of the Congress of the United States from each district, and repealing all laws and parts of laws in conflict herewith, and declaring an emergency."

The question recurred upon the pending amendment to the bill.

Senator Greer moved to table the amendment.

On motion of Senator Greer, the bill and the pending motion were set as special order at 11:30 o'clock this morning.

Senate Bill No. 421.

The Chair laid before the Senate as pending business the motion to suspend the regular order and take up the following bill:

By Senators Moore, Hopkins, Holbrook, Patton, Woodul, Sanderford, Woodward, and Small:

S. B. No. 421, A bill to be entitled "An Act amending Article 4682 of the Revised Civil Statutes by adding thereto subsection 21, authorizing the Board of Insurance Commissioners, with approval of the Governor of Texas, to exercise such incidental and implied powers and duties as may be necessary to carry out the purposes and intent of the insurance laws of this State; and, by adding thereto subsection 22, authorizing the Board of Insurance Commissioners to prescribe rules and regulations for carrying out the purposes and intent of the insurance laws of this State; and declaring an emergency."

Senate Bill No. 195.

At 11:30 o'clock a. m., the Chair laid before the Senate as special order S. B. No. 195.

The question recurred upon the pending motion to table the amendment. The motion prevailed.

The bill was passed to engrossment.

On motion of Senator Greer, the constitutional rule requiring bills to be read on three several days was

suspended and S. B. No. 195 was put on its third reading and final passage by the following vote:

Yeas—27.

Beck.	Oneal.
Blackert.	Pace.
Collie.	Parr.
Cousins.	Patton.
DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Holbrook.	Russek.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Woodruff.
Moore.	Woodul.
Murphy.	

Absent—Excused.

Neal.	Sanderford.
Redditt.	Woodward.

Read third time and finally passed by the following vote:

Yeas—22.

Beck.	Murphy.
Blackert.	Oneal.
Cousins.	Pace.
DeBerry.	Parr.
Duggan.	Patton.
Greer.	Poage.
Holbrook.	Purl.
Hopkins.	Regan.
Hornsby.	Russek.
Martin.	Woodruff.
Moore.	Woodul.

Nays—4.

Collie.	Small.
Fellbaum.	Stone.

Present—Not Voting.

Rawlings.

Absent—Excused.

Neal.	Sanderford.
Redditt.	Woodward.

Senate Bill No. 421.

The question recurred on the motion to suspend the regular order of business and take up out of its regular order S. B. No. 421.

Senator Parr moved as a substitute that the bill be re-committed to the Committee on Insurance.

Senator Hornsby moved to recess until 2 o'clock p. m. The motion was lost.

Senator Hornsby moved to refer the bill to the Committee of the Whole.

Senator Moore moved to table the motion. The motion to table prevailed by the following vote:

Yeas—11.

DeBerry.	Poage.
Duggan.	Purl.
Fellbaum.	Rawlings.
Greer.	Regan.
Moore.	Small.
Murphy.	

Nays—11.

Blackert.	Pace.
Collie.	Parr.
Cousins.	Russek.
Holbrook.	Woodruff.
Hornsby.	Woodul.
Oneal.	

Absent.

Hopkins.	Stone.
Patton.	

Absent—Excused.

Neal.	Sanderford.
Redditt.	Woodward.

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Martin (absent) who would vote nay.

The Chair voted yea.

Senator Moore moved to table the motion to re-commit the bill to the Committee on Insurance. The motion to table prevailed by the following vote:

Yeas—14.

Blackert.	Murphy.
Cousins.	Poage.
DeBerry.	Purl.
Duggan.	Rawlings.
Fellbaum.	Regan.
Greer.	Small.
Moore.	Woodul.

Nays—7.

Collie.	Pace.
Holbrook.	Parr.
Hornsby.	Woodruff.
Oneal.	

Absent.

Hopkins.	Russek.
Patton.	Stone.

Absent—Excused.

Neal.	Sanderford.
Redditt.	Woodward.

(Pair Recorded.)

Senator Beck (present) who would vote yea, with Senator Martin (absent) who would vote nay.

Motion to Print Communication.

Senator Purl moved to print in the Journal of Thursday a communication from certain life insurance companies relative to foreclosures. The motion prevailed.

Recess.

On motion of Senator Moore, the Senate, at 12:21 o'clock p. m., recessed until 2 o'clock p. m.

After Recess.

The Senate met at 2 o'clock p. m., pursuant to recess and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 421.

The question recurred upon the motion to take up S. B. No. 421 out of its regular order. The motion prevailed by the following vote:

Yeas—17.

Beck.	Oneal.
Collie.	Pace.
DeBerry.	Patton.
Duggan.	Poage.
Fellbaum.	Rawlings.
Greer.	Regan.
Hornsby.	Small.
Moore.	Woodul.
Murphy.	

Nays—4.

Blackert.	Parr.
Holbrook.	Stone.

Absent.

Cousins.	Purl.
Hopkins.	Russek.
Martin.	Woodruff.

Absent—Excused.

Neal.	Sanderford.
Redditt.	Woodward.

The committee report recommending that the bill be not printed was adopted by unanimous consent.

Committee Amendment No. 2 was read.

Senator Moore sent up the following substitute for the committee amendment:

Substitute for Committee Amendment No. 2.

Section 1. The Board of Insurance Commissioners of the State of Texas with the approval of the Governor of the State from and after the passage of this Act are specifically authorized and empowered to promulgate such rules, regulations and orders as they may deem necessary to regulate and stabilize payment of premiums to insurance companies, and payment of policy reserve loans and withdrawals of cash surrender values, due and payable to policy holders with no limit on payment of death, sick and accident claims, and such other claims including final judgments for which such insurance companies may be liable, except the payment of dividends to policyholders and stockholders. And providing, further, that the Board of Insurance Commissioners with the approval of the Governor of Texas shall have power and authority to cancel the permit to do business in this State of any insurance company violating or refusing to comply with any rule, regulation, or order promulgated in pursuance of the authority granted under this Act. It is further provided, however, that no limit of liability or extension of time shall be granted as to obligations due by insurance companies to policyholders, until and unless a like limit be at the same time extended to policyholders as to all policy obligations due to insurance companies.

Sec. 2. If any section, provision, sentence, clause or phrase of this Act shall be declared unconstitutional or invalid for any reason, it shall not affect any other provision or portion of this Act and the same shall remain in full force and effect.

Sec. 3. The fact that the Board of Insurance Commissioners is not now expressly authorized to exercise authority and prescribe rules and regulations in conformity with sound business policies regarding insurance companies doing business in this State creates an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days be suspended, and this Act take effect and

be in force from and after its passage, and it is so enacted.

MOORE.

The substitute was read and adopted.

The amendment as substituted was adopted.

Committee Amendment No. 1 was read.

Senator Moore sent up the following substitute for the committee amendment:

Substitute for Committee Amendment No. 1.

Amend caption to conform with the body of the bill.

MOORE.

Read and adopted.

The amendment as substituted was adopted.

Senator Rawlings sent up the following amendment to the bill as amended:

Amend S. B. No. 421 by adding after the word "stockholders" in line 12 the following: "To protect the interest of policyholders, such Board during the emergency covered by this Act shall have authority to prevent the cancellation of policies, and extend the time for the payment of premiums due thereon for such period of time and upon such conditions as to the Board may seem just and proper."

RAWLINGS.

Read and adopted.

Senator Collie sent up the following amendment:

Amend substitute for Committee Amendment No. 2 by adding after Section 2, the following:

Sec. 2-a. The provisions of this bill shall apply only for a period of time to include the date of April 30, 1933, when it shall terminate in all particulars.

Amend caption accordingly.

COLLIE,
BLACKERT,
DeBERRY,
HOLBROOK.
POAGE,

The amendment was read.

Senator Moore moved to table the amendment. The motion prevailed by the following vote:

Yeas—14.

Beck.	Patton.
Cousins.	Rawlings.
Duggan.	Regan.
Fellbaum.	Russek.
Hopkins.	Sanderford,
Hornsby.	Small.
Moore.	Stone.

Nays—12.

Blackert.	Pace.
Collie.	Parr.
DeBerry.	Poage.
Holbrook.	Purl.
Martin.	Woodruff.
Murphy.	Woodul.

Present—Not Voting.

Oneal.

Absent.

Greer.

Absent—Excused.

Neal.	Woodward.
Redditt.	

Senator Collie sent up the following amendment:

Amend the substitute amendment No. 2 by adding after Section 2 the following:

Sec. 2-a. It is provided, however, that the provisions of this bill shall be in force and effect for a period of time up to and including August 31, 1933, when it shall terminate in every particular.

COLLIE,
ONEAL.

Read and adopted.

Senator Purl sent up the following amendment:

Amend S. B. No. 421 by adding a new section to be known as Section 1-a, to read as follows:

"Provided, however, that no officer, director, or employee of any insurance company under the terms of this Act shall draw or receive in excess of \$1,000.00 monthly salary or remuneration during the period this Act is in force and effect."

PURL.

The amendment was read.

Senator Woodruff sent up the following substitute for the amendment:

Amend committee amendment to S. B. No. 421 by adding at the end of Section 1, the following:

"Provided, that the Board of Insurance Commissioners shall not extend any of the provisions of this Act to any insuring company, person, individual or corporation, association or co-partnership, any officer, agent or employee of which is paid directly or indirectly any wage or salary in excess of ten thousand dollars (\$10,000.00) per annum. Any such insurer who shall after the passage of this Act operate under or within the terms and provisions hereof shall be, and it is hereby required to place all incomes in excess of 10 per cent on its capital stock for the period of the operative force of this Act, into its policy reserve fund."

Amend the caption to conform.

WOODRUFF.

The substitute was read.

Senator Woodul sent up the following amendment to the substitute:

Amend the substitute by inserting \$25,000 for \$10,000 wherever same may appear.

WOODUL.

The amendment to the substitute was read.

Senator Purl raised the point of order that the substitute was not germane to the original amendment because it went beyond the scope of the original amendment.

The Chair, Lieutenant Governor Edgar E. Witt, overruled the point of order, holding that the substitute included the same subject matter as the original amendment and that the additional material in the substitute could be removed, if desired, by amendment.

Senator Purl withdrew the original, leaving the substitute as the original.

Senator Moore moved to table the amendment (by Senator Woodul) to the amendment. The motion prevailed by the following vote:

Yea—23.

Beck.	Parr.
Blackert.	Patton.
Collie.	Poage.
Cousins.	Purl.
DeBerry.	Rawlings.
Duggan.	Regan.
Holbrook.	Russek.
Hopkins.	Sanderford,
Hornsby.	Small.
Moore.	Stone.
Murphy.	Woodruff.
Oneal.	

Nays—3.

Fellbaum. Woodul.
Pace.

Absent.

Greer. Martin.

Absent—Excused.

Neal. Woodward.
Redditt.

Senator Moore moved to table the amendment (by Senator Woodruff). The motion was lost by the following vote:

Yeas—12.

Beck. Purl.
Cousins. Regan.
Duggan. Russek.
Hopkins. Sanderford,
Moore. Small.
Patton. Stone.

Nays—15.

Blackert. Oneal.
Collie. Pace.
DeBerry. Parr.
Fellbaum. Poage.
Greer. Rawlings.
Holbrook. Woodruff.
Hornsby. Woodul.
Murphy.

Absent.

Martin.

Absent—Excused.

Neal. Woodward.
Redditt.

Senator Purl sent up the following amendment to the amendment: Amend by striking out below the word "per annum."

PURL.

The amendment to the amendment was read.

S. B. No. 244 Re-committed.

On motion of Senator Regan, S. B. No. 244 was re-committed to the Committee on Mining, Irrigation and Drainage.

Joint Resolutions Referred.

On motion of Senator Oneal, H. J. R. No. 3 and S. J. R. No. 12 were referred to the Committee on Constitutional Amendments.

Recess.

On motion of Senator Hopkins, the Senate, at 5:06 o'clock p. m., recessed until 9:30 o'clock tomorrow morning.

APPENDIX.**Committee on Enrolled Bills.**

Committee Room,
Austin, Texas, March 6, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 250 carefully examined and compared, and find same correctly enrolled.

GREER, Chairman.

Committee on Engrossed Bills.

Committee Room,
Austin, Texas, March 6, 1933.
Hon. Edgar E. Witt, President of the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 195 carefully examined and compared, and find same correctly engrossed.

REGAN, Chairman.

THIRTY-SEVENTH DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
March 7, 1933.

The Senate at 9:30 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Edgar E. Witt.

Senate Bill No. 421.

The question recurred upon the pending amendment to the amendment to S. B. No. 421.

Senator Moore received unanimous consent to substitute the following amendment for his original substitute for Committee Amendment No. 2:

Substitute for Committee Amendment No. 2.

Section 1. The Board of Insurance Commissioners of the State of Texas with the approval of the Governor of the State, from and after the passage of this Act, are specifically authorized and empowered to promulgate such rules, regula-